

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.1045 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner under Section 438 of Cr.P.C. to enlarge him on bail in the event of his arrest in Crime No.110 of 2016 of Excise Police Station, Rajendranagar, Ranga Reddy District, registered for the alleged offences punishable under Sections 8 (c) and 22 of N.D.P.S Act, 1985 and under Rule 27(1) of A.P.Excise Rules, 2007.

Petitioner herein is accused in the above crime.

The case of the prosecution, in brief, is as follows:

On 25-5-2016, afternoon, Excise officials inspected and found sale of toddy on verification of shop and found 15 wooden crates each containing 24 bottles of 650 ml. and after having noticed that it is not free from chloral hydrate, samples were drawn on suspicion and sent for analysis and the Chemical analyst and the C.E. report revealed that it was adulterated with Alprazolam. Thereupon, the entire quantity was seized under a cover of panchanama and in this connection, a case in Crime referred was registered.

The main contention of the learned counsel for the petitioner before this court in this petition is that the learned Sessions Judge dismissed the application in CrI.M.P.No.1420 of 2016 in Cr.No.110 of 2016 on 8-7-2016 on the ground that there is a possibility of tampering of evidence since some more evidence is to be collected for filing charge sheet.

During hearing, the petitioner mainly argued that when a bail application was dismissed by the Sessions Judge about 7 months 25 days ago, the question of tampering evidence as on today does not arise.

This court is not sitting over the appeal against an order passed in CrI.M.P. referred supra and no appeal is permitted against an order passed under Section 438 of Cr.P.C. before this court but strangely advocate challenged the findings recorded in para 4 of the order passed by the Sessions judge in CrI.M.P. referred above without advancing any other argument. But on this ground, this court cannot grant pre-arrest bail to the petitioner exercising discretionary power under Section 438 Cr.P.C. and consequently, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 21-2-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 21-2-2017.

Dvs